

ENTERED

November 29, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LUCIO NAVARRO GARCIA
(TDCJ #02054631)

Petitioner,

vs

LORIE DAVIS, Director,
Texas Department of Criminal
Justice, Correctional
Institutions Division
Respondent.

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MISC. ACTION NO. M-18-MC-0986

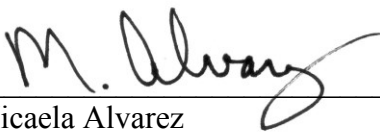
ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner Lucio Navarro Garcia's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, which had been referred to the Magistrate Court for a report and recommendation. On October 9, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Petitioner's § 2254 habeas petition be denied, that Petitioner be denied a certificate of appealability, and that this action be dismissed. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Petitioner's Petition for Writ of Habeas Corpus Pursuant to § 2254 is **DENIED**, that Petitioner is **DENIED** a certificate of appealability, and that this action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 29th day of November, 2018.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in* *ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).